

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL GOUGH and CONSTANCE
GOUGH,

Plaintiffs,

v.

PEACEHEALTH ST. JOSEPH MEDICAL
CENTER,

Defendant.

CASE No. C12-346-RAJ

ORDER

This matter comes before the court on plaintiffs' motion to appoint a mediator. Dkt. # 29. Plaintiffs argue that Local Rule 39.1(c) permits the court to appoint a mediator, and the court's April 5, 2012 order (Dkt. # 7) orders mediation. *Id.* at 2.

The court's April 5, 2012 order was an order regarding initial disclosures, joint status report and early settlement. Dkt. # 7. The page referenced by plaintiff discusses **early** settlement consideration. Additionally, there is nothing in that scheduling order that orders the parties to mediation. If plaintiffs wished to pursue early mediation, they should have done so earlier. Trial is scheduled for August 19, 2013, and plaintiffs filed their motions on July 23, 2013, the day after motions *in limine* were due. The court notes that even the joint status report submitted by the parties indicates that the parties agreed

1 that any alternative dispute resolution proceeding be completed no less than 30 days
2 before trial. Dkt. # 10 at 2. Plaintiffs' request for mediation is therefore untimely.

3 For all the foregoing reasons, the court DENIES plaintiffs' motion to appoint a
4 mediator. The court expects the parties to be prepared to begin trial on August 19, 2013.

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6 Dated this 24th day of July, 2013.

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9 The Honorable Richard A. Jones
10 United States District Judge
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